



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FUKUNAGA=3A

In re Application of:)	Art Unit: 1725
)	
Akira FUKUNAGA et al.)	Examiner: Lynne R. Edmondson
)	
Appln. No.: 10/804,085)	Washington, D.C.
)	
Filed: March 19, 2004)	Confirmation No. 7041
)	
For: COMPOSITE METALLIC)	September 21, 2004
ULTRAFINE PARTICLES...)	

TERMINAL DISCLAIMER

Customer Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

EBARA CORPORATION, a corporation of the Country of
JAPAN, having a principal place of business at 11-1, HANEDA
ASAHI-CHO, OHTA-KU, TOKYO (hereinafter referred to as
"Assignee"), is the owner of 100% of the entire right, title
and interest in the above-identified application and any patent
to be granted thereon. Assignee, through its undersigned
attorney of record, hereby disclaims the terminal part of any
patent granted on the above-identified application which would
extend beyond the expiration date of the full statutory term of
United States Patent No. 6743395, plus any extension thereof
which may be subsequently granted, and hereby agrees that any

patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 6743395, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6743395 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)).

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of

Appln. No. 10/804,085
Amd. dated September 21, 2004
Reply to Office Action of June 23, 2004

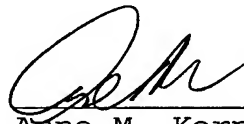
the above-identified application is obvious over any claim of
Patent No. 6743395.

The statutory disclaimer fee of \$110.00 / \$55.00 for
a small entity per 37 C.F.R. §1.20(d) is attached.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By



Anne M. Kornbau
Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\W\Wata\Fukunaga 3A\PTO\TerDisc 21SEP04.doc